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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 JASON MARCUS JONES,)
9 Plaintiff,) 2:15-cv-001720-RFB-GWF
10 vs.) **ORDER**
11 WARDEN NEVEN, *et al.*,)
12 Defendants.)

13 This matter is before the Court on Plaintiff's Ex Parte Motion for an Order for Service by
14 Publication and Enlargement of Time (ECF No. 43), filed on October 31, 2017.


15 Pursuant to Fed. R. Civ. P. 4(e), the state statutes in which the District Court is held are
16 followed in matters pertaining to service of summons by publication. N.R.C.P. 4(e)(1)(i) states that
17 the court may permit service by publication if, after due diligence shown, the plaintiff is unable to
18 find the defendant(s) within the state, or they are avoiding the service of summons. The plaintiff
19 must prove this to the satisfaction of the court either by affidavit or by a verified complaint. The
20 Nevada Supreme Court has held that there is no objective, formulaic standard for determining what
21 is, or is not, due diligence. *Abreu v. Gilmer*, 985 P.2d 746, 749 (1999). Pursuant to Fed. R. Civ. P.
22 6(b) and LR 26-4, extensions of time may be granted for good cause shown.

23 Plaintiff requests permission to serve Defendant James Holmes by publication and for an
24 additional 45 days to effectuate service. Plaintiff represents that it demonstrated due diligence by
25 making several attempts to serve Defendant. The Court, therefore, finds that Plaintiff has provided
26 sufficient good cause to warrant service by publication and will grant Plaintiff until **December 18,**
27 **2017** to effectuate service. Accordingly,

28 ...

IT IS HEREBY ORDERED that Plaintiff's Ex Parte Motion for an Order for Service by Publication and Enlargement of Time (ECF No. 43) is **granted**. Plaintiff shall have until **December 18, 2017** to effectuate service on Defendant Holmes. Defendant may be served through publication of the summons and Complaint in this case at least once a week for four (4) consecutive weeks in a newspaper of general circulation.

DATED this 1st day of November, 2017.


GEORGE FOLEY, JR.
United States Magistrate Judge